

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

)	
)	
JIM DAVID WAGONER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 7:15CV00570
)	
)	
LEWIS GALE MEDICAL CENTER, LLC,)	
)	
Defendant.)	

JOINT MOTION TO CONTINUE TRIAL DATE

COME NOW the parties, Plaintiff Jim David Wagoner (“Plaintiff” or “Mr. Wagoner”) and Defendant Lewis Gale Medical Center, LLC (“Defendant” or “Lewis Gale”), by counsel, and present this Joint Motion to Continue Trial Date. In support of the Motion, the parties provide the following:

1. This matter is currently set for a trial to begin on October 12, 2016. The dispositive motion deadline is currently August 25, 2016.
2. A full and complete exchange of written discovery has not occurred at this time. In particular, pursuant to the Hon. Robert S. Ballou’s Order, entered July 13, 2016, Defendant anticipates producing the Electronically Stored Information in short order. The parties wish to fully exchange written discovery and have enough time to digest this information prior to embarking upon the dispositive motion phase of this matter.
3. Accordingly, the parties respectfully request that the Court consider continuing the trial date to January 5 & 6, 2017, which the parties understand is available on the Hon. Elizabeth K. Dillon’s docket calendar.

WHEREFORE the parties, by counsel, hereby request the following relief:

- a. That the trial date be continued to January 5 & 6, 2017;
- b. That the other remaining deadlines in the Court's January 7, 2016 Scheduling Order [Dkt. No. 8] be continued respectively as provided in Exhibit A attached hereto; and
- c. Any other such relief that the Court should deem equitable.

Respectfully submitted,

/s/ Thomas E. Strelka

Thomas E. Strelka
L. Leigh R. Strelka
Strelka Law Office, PC
Warehouse Row
119 Norfolk Avenue, S.W.
Suite 330
Roanoke, VA 24011
(540) 283-0802
thomas@strelkalaw.com
leigh@strelkalaw.com
Counsel for Plaintiff

SEEN AND APPROVED:

/s/ Ashlee A. Webster

Susan Childers North (VSB #43068)
LeClairRyan, A Professional Corporation
5425 Discovery Park Boulevard, Suite 200
Williamsburg, VA 23188
Telephone: (757)941-2801
Fax: (757)941-2879
susan.north@leclairryan.com

Ashlee A. Webster (VSB#88265)
LeClairRyan, A Professional Corporation
1800 WellsFargo Tower, Drawer 1200
Roanoke, VA 24006
Telephone: (540)510-3000
Fax: (540)510-3050
ashlee.webster@leclairryan.com
Counsel for Defendant

EXHIBIT A

TRIAL DATE: January 5-6, 2016 (Jury Trial) at 9:30 a.m.

DEADLINE TO FILE DISPOSITIVE MOTIONS: 80 days before trial date

**DEADLINE FOR HEARINGS ON DISPOSITIVE
MOTIONS: 45 days before trial date**

**DEADLINE FOR PARTIES TO EXCHANGE
WITNESS AND EXHIBIT LISTS: 28 days before trial date**

DEADLINE FOR MOTIONS IN LIMINE: 21 days before trial date

DEADLINE FOR DEPOSITION DESIGNATIONS: 21 days before trial date

**DEADLINE FOR COUNTER DESIGNATIONS AND
OBJECTIONS TO DEPOSITION DESIGNATIONS: 14 days before trial date**

**DEADLINE FOR OBJECTIONS TO COUNTER
DESIGNATIONS: 7 days before trial date**

**DEADLINE FOR JURY INSTRUCTIONS,
STATEMENT OF THE CASE, AND
SPECIAL INTERROGATORIES: 7 days before trial date**

**DEADLINE FOR HEARING ON MOTIONS IN
LIMINE AND MOTIONS OBJECTING TO
DEPOSITION TESTIMONY OR TRIAL EXHIBITS: 7 days before trial date**

FINAL PRETRIAL CONFERENCE: 7 days before trial date

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of August, 2016, I electronically filed this pleading on the Court's CM/ECF filing system which contemporaneously sent a Notice of Electronic Filing to:

Susan Childers North (VSB #43068)
LeClairRyan, A Professional Corporation
5425 Discovery Park Boulevard, Suite 200
Williamsburg, VA 23188
Telephone: (757)941-2801
Fax: (757)941-2879
susan.north@leclairryan.com

Ashlee A. Webster (VSB#88265)
LeClairRyan, A Professional Corporation
1800 WellsFargo Tower, Drawer 1200
Roanoke, VA 24006
Telephone: (540)510-3000
Fax: (540)510-3050
ashlee.webster@leclairryan.com

Counsel for Defendant

/s/ Thomas E. Strelka